

United States District Court

Western District of Texas

UNITED STATES OF AMERICA

FILED

V.

NOV 7 2008

Christobal RODRIGUEZ

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

CRIMINAL COMPLAINT

BY

mrm
DEPUTY CLERK

CASE NUMBER: *08-6167m*

I, the undersigned complainant, being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about **November 6, 2008** in **El Paso County**, in the **Western District of Texas** defendant(s) did, knowingly and intentionally possess with the intent to distribute **marijuana**, to wit: approximately **106.66 pounds** (gross weight) of **marijuana**, a Schedule I Controlled Substance; and did knowingly and intentionally import into the United States from the Republic of Mexico, approximately **106.66 pounds** (gross weight) of **marijuana**, a Schedule I Controlled Substance in violation of **Title 21 United States Code, Section(s) 841(a)(1) and 952(a)**.

I further state that I am a **United States Immigration and Customs Enforcement Special Agent** and that this complaint is based on the following facts:

See Attached Affidavit

Continued on the attached and made a part hereof: X Yes No

Joseph Quigg

Signature of Complainant
Joseph Quigg, Special Agent

Sworn to before me and subscribed in my presence,

November 7, 2008

Date

Richard P. Mesa, U.S. Magistrate Judge

Name & Title of Judicial Officer

El Paso, Texas

City and State

Richard P. Mesa

Signature of Judicial Officer

AFFIDAVIT

On November 6, 2008, at approximately 0420 hours, Christobal RODRIGUEZ entered the United States from Mexico at the Ysleta Port of Entry in El Paso, Texas. RODRIGUEZ was the driver and sole occupant of a 2002 grey Volkswagen Beetle bearing Texas plates CLW279.

At the primary inspection lane, RODRIGUEZ gave a negative declaration for merchandise. RODRIGUEZ stated he was going to work at some rock company in Horizon City, Texas, near the mountain. RODRIGUEZ claimed ownership of the vehicle and stated that he bought the vehicle from a friend, Sergio, about seven-weeks ago. RODRIGUEZ stated he lived in Ciudad Juarez, Chihuahua, Mexico, with his grandmother. RODRIGUEZ also stated that he was living in El Paso, Texas, with his aunt who had four children but it was real hard. During questioning, the primary officer smelled a slight scent of soap emanating from the inside of the vehicle, the officer also noticed RODRIGUEZ appeared overly friendly and too polite. During a cursory inspection of the vehicle, the primary officer noticed that the outer wall of the vehicle's quarter panels seemed unusually solid. RODRIGUEZ was referred to the secondary inspection area. The vehicle was escorted to secondary inspection and the primary officer observed that RODRIGUEZ' hands were visibly shaking as he handed over the keys to him.

In the secondary inspection area, the secondary officer observed RODRIGUEZ avoided eye contact and had a sheepish look on his face when asked if he owned the vehicle. RODRIGUEZ claimed ownership of the car but stated it was not in his name. RODRIGUEZ stated he had owned the vehicle for seven weeks and that he purchased the car in Mexico from Sergio Villanueva. The secondary officer noticed that RODRIGUEZ' hand was visibly shaking as he handed the registration paperwork. RODRIGUEZ stated he had not paid for the vehicle yet as he was trying to put the money together and still owed \$2,000.00 dollars for the car. RODRIGUEZ stated he was in Ciudad Juarez, Chihuahua, for a few hours and that he was the only person who drove it.

Continued inspection of the vehicle revealed 100 bundles of a green, leafy substance weighing approximately 106.66 pounds concealed in the quarter panels, front dashboard and spare tire of the vehicle. This substance later field-tested positive as being marijuana.

After arriving at the port of entry, Special Agent (SA) Marco Reta was briefed by officers involved in the marijuana seizure. Next, SA Reta read the Miranda Warnings to RODRIGUEZ in the English language. RODRIGUEZ acknowledged that he understood the warnings and agreed to be interviewed. During the interview, RODRIGUEZ made the following statements:

- RODRIGUEZ stated that he approached Hector LNU (AKA: JR) about seven weeks ago to smuggle drugs into the United States from Mexico since his mother has been having problems with his father and was in need of money. RODRIGUEZ stated his brother also needed money for college.
- RODRIGUEZ stated that he agreed to cross the marijuana laden vehicle and was to be paid \$1,300.00 in United States currency per vehicle crossing.

- **RODRIGUEZ** stated he had crossed the Volkswagen beetle with marijuana five other times and that his last crossing with marijuana was on Tuesday, November 4, 2008.
- **RODRIGUEZ** stated **TAVO LNU** contacted him on November 5, 2008 and informed him there was another load ready to be crossed into the U.S. **RODRIGUEZ** drove the Volkswagen beetle to Ciudad Juarez, Chihuahua, at approximately 4pm that same day. **RODRIGUEZ** stated he stayed the night in Juarez and picked up the car the morning of November 6, 2008.
- **RODRIGUEZ** stated he did not know where he was taking the shipment of marijuana to since **TAVO** would contact him once **RODRIGUEZ** crossed into the U.S. and instructed him as to the drop off location. **RODRIGUEZ** stated **TAVO LNU** arranges the drop off location and was higher ranking than "JR".

Case Agent: Marco A. Reta